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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,552	03/03/2000	Gavin S. H. Cheng	004747.P001	5674

7590 02/06/2004

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,552

Applicant(s)

CHENG, GAVIN S. H.

Examiner

Sindya Narayanaswamy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 - 34 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 are rejected under 35 USC 103(a) over Lefkowitz, ("Lefkowitz," US-6,091,417) in view of Spiegel et al, ("Spiegel," US-6,466,918 B1).

4. As per claim 1, Lefkowitz teaches the invention substantially as claimed including the method comprising:

executing a 3D viewing environment module to display a portal site in a 3D viewing environment (*graphical user interface with physical structure*) (Fig. 3; col. 2, lines 55-57);

receiving a selection of a first site from a user (*sub-region is activated*); the first site identified by a first resource locator and designated by the user in the portal site (col. 1, line 65 – col. 2, line 3)

generating a request for a first resource from a first site, the request including the first resource locator and to be sent to the data network (*web site is imported*); and receiving a first display suitable for the 3D viewing environment receiving the first resource; and simultaneously displaying the first resource and the first display (col. 1, line 65 – col. 2, line 3; col. 3, lines 21-22).

Lefkowitz does not specifically teach the step of showing a display representing the respective popularity of a number of second servers separate from the plurality of servers in a predefined time period. However, Spiegel teaches the method of receiving a display suitable for viewing in an internet environment, representing the respective popularity of Web resources in a predefined time period (col. 1, lines 60-65, col. 2, lines 9-25; col. 2, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel in order to provide users with a means to quickly identify popular web resources of interest.

5. As per claim 2, Lefkowitz teaches the method wherein the first resource is displayed in the portal site which is displayed substantially close to the first display so that the user can see at least a portion of the portal site (*first frame (original site) is always viewable*) (col. 3, lines 15-24).

6. As per claim 3, Lefkowitz teaches the method wherein the second display illustrates graphically a trickling feeding to each of the second servers to appeal to the user to visit one of

the servers (*information area of graphical image used for posting sales, announcements and special events*) (col. 3, lines 57-62).

7. As per claim 4, Lefkowitz teaches the method substantially as claimed including a method of facilitating access to web sites comprising: providing a designated portal site to a computing device over a network, network (*computer connected to a network*) (col. 1, lines 54-60), the designated portal server including a plurality of identifiers, each identifying a server within the data network (*sub-graphical regions representing stores in the shopping mall*) (col. 1, lines 60-65, col. 3, lines 36-37), wherein the computing device is executing a 3D viewing environment module so that a user can interact with the data network in a 3D viewing environment; and receiving a request for a resource from one of the servers, the request including the identifier of the server; in response to the request, transmitting to the computing device a display suitable for the 3D viewing environment and transmitting to the computing device the resource (col. 1, line 65 – col. 2, line 3; col. 3, lines 21-22; col. 4, lines 47-55).

Lefkowitz does not specifically teach the step of showing a display representing the respective popularity of a number of separate servers in a predefined time period. However, Spiegel teaches the method of receiving the display representing the respective popularity of web resources in a predefined time period (col. 1, lines 60-65, col. 2, lines 9-25; col. 2, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel because Spiegel's method of displaying popularity criterion allows users to identify popular web resources of interest.

8. As per claim 5, Spiegel teaches the method comprising statistically measuring a number of visits to the servers to account for the popularity of each of the servers (*number of times the items were viewed*) (col. 2, lines 9-15).

9. As per claim 6, Spiegel teaches the method wherein at least some of the servers are pre-designated so that the popularity of each of the at least some of the servers is included in the display (*23 Bestsellers in College Basketball*) (110, Fig. 1A).

10. As per claim 7, Lefkowitz teaches the method wherein transmitting a display to the computing device occurs only when the user selects one of the identifiers (*web site is imported upon activation of the appropriate sub-region*) (col. 1, line 65-col. 2, line 3).

11. As per claim 8, Lefkowitz teaches the invention substantially as claimed including the method of facilitating access to Web pages, the method comprising: providing a first three-dimensional module interface to receive requests for Web pages (*graphical user interface with physical structure*) (Fig. 3; col. 2, lines 55-57); in response to receiving a request for a first Web page, providing a second 3D module interface including a set of links to a plurality of separate Web pages (*web site is imported upon activation of the appropriate sub-region*) (col. 1, line 65-col. 2, line 3).

Lefkowitz does not specifically teach the step of each link of the plurality of separate Web pages to include a representation of a number of visits to each of the separate Web pages. However, Spiegel teaches the step of including a representation of a number of visits to each of the separate resources (*number times the item was viewed*) (col. 2, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lefkowitz and Spiegel because Spiegel's method of representing the number of visits to a particular Web resource allows users to identify popular resources.

12. As per claim 9, Lefkowitz teaches the method wherein the set of links to the plurality of separate Web pages are unrelated to the first Web page (*linked to other web page sites*) (col. 3, lines 1-5).

13. As per claim 10, Spiegel teaches the method wherein the representations of the number of visits to the separate Web pages includes a graphical representation (*items are displayed (indicates a graphical representation)*) (col. 2, lines 28-35).

14. As per claim 11, Lefkowitz teaches the method wherein in response to a selection of one of the set of links to the plurality of separate Web pages, a Web page corresponding to the selected link is provided (*web site is imported*) (col. 1, lines 65-col. 2, line 3).

15. As per claim 12, Lefkowitz and Spiegel do not specifically teach the method wherein the set of links to the plurality of separate Web pages are displayed in response to paying a fee.

Official notice is given that in the e-commerce environment it is well known in the art for merchants who wish to advertise products to pay an advertisement fee. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of this feature with Lefkowitz's and Spiegel's methods because it increases the profitability of the system.

16. As per claim 13, Lefkowitz teaches the method wherein the set of links to the plurality of separate Web pages are related to the first Web page based on a predetermined basis (*sub-graphical regions are position (predetermined)*) (col. 1, lines 60-65).

17. As per claim 14, Lefkowitz teaches the method of displaying the second 3D module interface including a set of links to the plurality of separate Web pages (col. 3, lines 1-6). Lefkowitz and Spiegel do not teach the step of including scrolling in the second 3D module interface across a display of a client computer. Official notice is given that including scrolling in the second 3D module interface across a display of a client computer is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of this feature with Lefkowitz's and Spiegel's invention because scrolling allows a user to navigate across the interface display and view the portions of the display that are otherwise not viewable.

18. As per claims 15 and 16, Lefkowitz and Spiegel do not specifically teach the method wherein the representation of the number of visits to a Web page includes multiple icons

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corresponding to a number of visits to a web page or wherein a icon has a graphical representation corresponding to a subject matter of a respective web page. Official notice is given that it would have been obvious to one of ordinary skill in the art at the invention was made to represent the number of visits to a Web page through the use of icons because it assists users in quickly determining “popular” or frequently visited pages visually.

19. As per claims 17-25 and claims 26-34, they are the system and machine-readable media claims, respectively, of claims 8-16 and are thus rejected under the same rationale.

Response To Argument

20. In the remarks, applicant has argued in substance that:

(1) Lefkowitz does not teach or suggest receiving a first display, as recited in Claim 1.

(2) Spiegel does not teach nor suggest displaying the content of a node and the popularity of another node simultaneously.

(3) Lefkowitz fails to teach transmitting a display in response to a request.

(4) The combination of Lefkowitz and Spiegel fails to teach or suggest transmitting the display and the resource to the computing device.

(5) Lefkowitz and/or Spiegel fail to teach a 3D viewing environment.

(6) Spiegel does not teach or suggest a combination with Lefkowitz, and Lefkowitz does not teach or suggest a combination with Spiegel. Moreover, it would be impermissible hindsight to combine Lefkowitz and Spiegel in the manner suggest by the Examiner.

21. Examiner respectfully disagrees with Applicant's arguments and resubmits that

As to point (1), Lefkowitz teaches the receiving of the first display when the user connects through a hyperlink represented by a sub-region, a connection to a new web site/display is made (col. 1, lines 54-col. 1, line 3).

As to point (2), Spiegel does teach the displaying of the content of a node and the popularity of another node simultaneously. For example, when the user selects a category for viewing from the hierarchically arranged nodes based on popularity, the user can view or access the items while simultaneously viewing the tree of hierarchy that indicates node popularity.

As to point (3), Lefkowitz teaches the placement of a request (*selection of a hyperlink*) and then the subsequent response of selecting the link (*displaying of appropriate web page*) (col. 2, lines 26-36).

As to point (4), Lefkowitz teaches the transmitting of a display and a resource to a computing device, because the web site of choice is imported upon activation of the appropriate sub-region, therefore the display and resource are transmitted to the user's device upon selection (col. 1, line 65-col. 2, line 3).

As to point (5) Lefkowitz teaches a 3-D viewing environment in the description and drawing of an elevator (Fig. 3, 12). The elevator is displayed in a 3-D manner for the user to use as a navigational tool.

As to point (6), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight

reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Lefkowitz teaches the system of a virtual mall that allows users to browse through stores and products for the purpose of making online purchases (Abstract, lines 1-11). Spiegel also teaches the system and method for browsing products and product categories for the purpose of making online purchases from online merchants (Abstract, lines 1-12). Spiegel's system contains the additional step of displaying the popularity of a node/product (Abstract, lines 1-12). It would have been obvious to one of ordinary skill in the art to combine the teachings of Lefkowitz with Spiegel's method of displaying popularity information because it provides details to a user regarding the number of times a node was accessed/used, thus enhancing the selection criterion offered to the user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

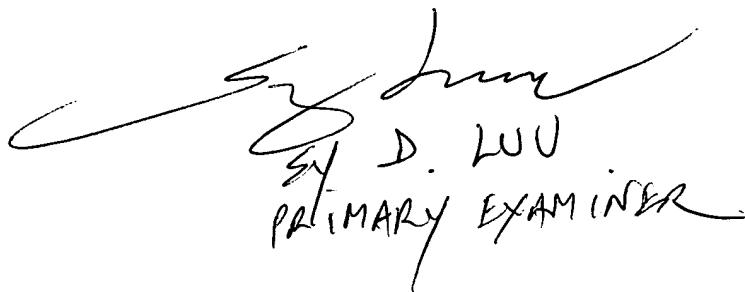
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

February 5, 2004



D. LUU
PRIMARY EXAMINER